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REMARKS

Claims 1 - 51 are pending in the present Application. Claims 23 - 48 and 50 - 51 have been withdrawn; no claims have been canceled, amended, or added, leaving Claims 1-22 and 49 for consideration upon entry of the present Amendment.

Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1 - 22 and 49 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 6,936,233 to Smalley et al. (Smalley) in view of U.S. Publication No. 2003/0213939 A1 to Narayan et al. (Narayan) and further in view of U.S. Publication No. 2002/0183438 A1 to Amarasekera et al. (Amarasekera). (Office Action dated 12/16/2005, page 2) Applicants respectfully traverse this rejection.

The Examiner has stated that the combined use of carbon nanotubes and conductive fillers in polymeric or prepolymer compositions is well known in the art. (Office Action dated 12/16/2005, page 3)

The present application claims an electrically conductive precursor composition that comprises an organic polymer precursor; a single wall nanotube composition, wherein the single wall nanotube (SWNT) composition contains at least 0.1 wt% of production related impurities; and an optional nanosized conductive filler.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

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Smalley is directed to a process for purifying SWNTs that are substantially free of other material. (Abstract; Col. 2, lines 39-43) Smalley teaches composite materials containing carbon nanotubes. (Col. 37, lines 49 – 50) Smalley teaches that the composite materials contain a matrix material that gives the bulk material its final form. (Col. 38, lines 1 – 7) Among these known matrix materials are resins (polymers), both thermosetting and thermoplastic. (Col. 38, lines 10 – 12) Smalley lists a number of thermosetting and thermoplastic polymers. (Col. 38, lines 13 – 21) While Smalley does teach a number of polymers that can be used to create composites, it does not teach the use of an organic polymer precursor as presently claimed. As described in the specification in paragraph [0016], a polymer precursor can be a monomer, a dimer, a trimer, or an oligomeric reactive species having less than 40 repeat units. The polymer precursor has to be polymerized to form a polymer. For this reason at least, Smalley does not teach all elements of the claimed invention.

Narayan is directed to electrically conductive polymeric foams and elastomers. (Abstract) Narayan discloses a polymeric foam or elastomer comprising “carbon nanotubes” defined as vapor grown carbon nanofibers and multi-wall and single-wall carbon nanotubes. Narayan, like Smalley teaches the use of thermoplastic or thermosetting resins that may be used in the foams. (see page 1, paragraph [0009]). The Examples of Narayan are all directed to polymer resins that are subsequently blended with the carbon nanotubes. Narayan, like Smalley does not teach the use of an organic polymer precursor and therefore does not teach all elements of the claimed invention. Narayan therefore does not make up for the deficiency of Smalley.

Amarasekera is directed to a polymeric resin, conductive filler comprising small carbon fibers, (e.g., VGCF, SWNT, and MWNT) and carbon black and/or fibrous non-conductive filler. (see Abstract) Amarasekera, like Smalley and Narayan are both directed to composites that utilize organic polymers, not organic polymer precursors. For this reason, Amarasekera does not teach all elements of the claimed invention. Amarasekera further does not make up for the deficiencies of either Smalley or Narayan.

Since neither Smalley, Narayan nor Amarasekera teaches all elements of the claimed invention, one of ordinary skill in the art would find no motivation to combine references. Applicants respectfully believe that the Examiner has not made a prima facie case of obviousness

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over Smalley in view of Narayan and Amarasekera. For at least these reasons, reconsideration and withdrawal of the obviousness rejection are respectfully requested.

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the objection(s) and rejection(s) and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-1131.

Respectfully submitted,

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